

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 15.6°C./15.6°C.....	0. 9174
Alcohol (per cent by volume).....	57. 84
Methyl alcohol (per cent by volume).....	None.
Solids.....	0. 15
Oil (per cent by volume) (by precipitation, Howard's method modified) ..	0. 8
Coal-tar color.....	Present.
Color, Light Green S F Yellowish.	

Adulteration of the product was alleged in the first count of the information for the reason that a substance, to wit, a peppermint essence or extract, deficient in oil of peppermint, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and in that said substance had been substituted wholly or in part for the full strength peppermint essence or extract which the article was prominently represented to be. Adulteration was alleged for the further reason that the product was artificially colored with a green dye, whereby the appearance of a full strength peppermint essence or extract was simulated, and the inferiority of this article as a dilute peppermint extract or essence, deficient in oil of peppermint, was concealed. Misbranding was alleged in the second count of the information for the reasons that the statement on the label "Peppermint Essence" was false and misleading, as it conveyed the impression that the product was a full strength essence or extract of peppermint, whereas it was a dilute extract or essence of peppermint, deficient in oil of peppermint, and that it was labeled and branded so as to deceive and mislead the purchaser, being prominently labeled as a peppermint essence, thereby purporting that it was a genuine peppermint essence or extract of full strength, whereas it was a dilute peppermint extract or essence deficient in oil of peppermint, and the qualifying statement contained in a formula appearing on the label was not sufficient to correct the false impression created by the statement heretofore cited.

On November 18, 1912, the defendant company entered a plea of guilty to the first count of the information, and the court imposed a fine of \$50 and costs. The second count of the information, charging misbranding, was nolprossed.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 18, 1914.*

2882. Adulteration and misbranding of mincemeat. U. S. v. The W. H. Marvin Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 4269. I. S. No. 10101-d.)

On January 17, 1913, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against The W. H. Marvin Co., a corporation, Urbana, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on September 1, 1911, from the State of Ohio into the State of Minnesota, of a quantity of an article purporting to be mincemeat which was adulterated and misbranded. The product was labeled: (On carton) "Gopher Brand (Device: picture of gopher) Mince Meat prepared for Foley Bros. & Kelly, St. Paul, Minn. Guarantee: This Mince Meat is guaranteed to meet the requirements of the National Pure Food Law enacted June 30, 1906, and is composed of the following articles: Meat, raisins, currants, apples, sugar, salt, spices, flour, and fruit juices. The Meat used in this Mince Meat is U. S. inspected and passed at an establishment where inspection is maintained under the Act of Congress June 30, 1906. 12 ozs. net."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Protein (N \times 6.25) (per cent)	1. 68
Fat (per cent).....	0. 25
Microscopic examination: Approximately 0.1 per cent meat present.	
No suet found.	

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a food product containing but a trace of meat, that is to say, 0.1 per cent of meat, was substituted for what the article of food by its said label and brand purported to be, namely, mincemeat containing a substantial amount of meat. Misbranding of the product was alleged in the information for the reason that the label and brand thereon bore statements regarding the article of food and the ingredients and substances contained therein, which said statements, to wit, "Mince Meat" * * * "Composed of the following articles": "Meat * * *," and "The meat contained herein has been inspected and passed at an establishment where Federal inspection is maintained," were false, misleading, and deceptive, in that said statements purported and represented the article to be a mincemeat containing a substantial proportion of meat, whereas, in truth and in fact, the article of food contained but a trace, that is to say, 0.1 per cent of meat. Misbranding was alleged for the further reason that the article of food was labeled and branded as aforesaid so as to deceive and mislead the purchaser, in that said label and brand was calculated and intended to convey the impression and create the belief that the article of food was a product containing a substantial amount of meat, whereas, in truth and in fact, it did not contain a substantial amount of meat, but contained only a trace, that is to say, 0.1 per cent of meat.

On October 28, 1913, the defendant company entered a plea of *nolo contendere* to the information and the court imposed a fine of \$25, with costs of \$15.20.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 18, 1914.*

2883. Adulteration and misbranding of mincemeat. U. S. v. The W. H. Marvin Co. Plea of *nolo contendere*. Fine, \$25 and costs. (F. & D. No. 4270. I. S. No. 13553-d.)

On November 8, 1912, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The W. H. Marvin Co., a corporation, Urbana, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on October 5, 1911, from the State of Ohio into the State of West Virginia, of a quantity of so-called mincemeat which was adulterated and misbranded. The product was labeled: "Blue Ribbon Brand Condensed Mincemeat. Packed by The W. H. Marvin Co., Urbana, O. This mincemeat is guaranteed to meet the requirements of the National Pure Food Law enacted June 30, 1906, and is composed of the following articles: meat, raisins, currants, apples, sugar, syrup, salt, vinegar, spices and fruit juices. The meat contained herein has been inspected and passed at an establishment where Federal inspection is maintained. 12 oz. net."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results: Out of 300 grams examined, approximately two-tenths of 1 per cent of meat present; no suet found. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a food product containing but a trace of meat, that is to say 0.2 per cent of meat, was substituted for what the product by its label and brand purported to be, namely, mincemeat containing a substantial amount of meat. Misbranding was alleged for the following reasons, to wit: First: That the label and brand on the article bore statements regarding it and the ingredients and substances contained therein, which said statements, to wit, "Mincemeat," "Meat, . . ." and "The meat contained herein has been inspected and passed at an establishment where Federal inspection is maintained," were false, misleading, and deceptive, in that said statement purported and represented the article to be a mincemeat containing a substantial proportion of meat, whereas, in truth and in fact, the article contained but a trace of meat, namely, 0.2 per cent. Second: That the article was labeled and branded as aforesaid so as to deceive and mislead the purchaser, in that said label and brand was calculated and intended to convey the impression and create the belief that it was a product containing a substan-